THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.4391 OF 2006

Dt.7.3.2006

Between:

S.Yugender … Petitioner

And

The Special Officer and Competent Authority,

Urban Land Ceiling, Warangal, and another … Respondents

ORDER:

The petitioner questions the action of the 1st respondent in passing the orders under Section 8(4) of the Urban Land (Ceiling & Regulation) Act, 1976 (hereinafter referred to as 'the Act') in proceedings CC.No.B2/4697/79, dt.27.4.2005 came to the knowledge of the petitioner on 19.12.2005 as arbitrary and illegal apart from the mandatory provisions and the rules framed under the Act.

The petitioner submits that he is the owner and possessor of the premises bearing Municipal No.1-7-241 including the land admeasuring to an extent of 615 sq.yards in Sy.No.481/A situated at Waddepally Shivar, Hanamkonda Mandal, Warangal District. It is

stated one T.Shorie Reddy filed declaration under Section 6(1) of the Act claiming that he is the owner of land to an extent of 1.75 Hectors in Sy.Nos.481/A and 482 situate at Waddepally Village and on the said declaration the competent authority, first respondent herein passed orders under Section 8(4) of the Act in C.C.No.B2/4697/79 dated 27.4.2005 holding that the declarant holds in excess of 2414 sq.mts., of the ceiling limit. It is stated that the petitioner filed objections on 2.1.2006 before the first respondent stating that he is the owner and possessor of the land admeasuring 615 sq.yards in Survey No.517 (old) corresponding to 481/A (new) bearing Municipal No. 1-7-241. It is stated that the petitioner acquired the said property vide registered gift settlement document No.10311/2004 from his father, who acquired the same from its erstwhile owner and pattadar, Singareddy Thomas Reddy in the year 1983.

Heard the learned counsel for the petitioner and the learned Government Pleader on behalf of the first respondent.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion as to whether the petitioner is entitled for the ownership and possession of the said property from the holding of the declarant or not. As orders have already been passed under Section 8(4) of the Act, the petitioner is entitled to file an appeal under Section 33 of the Act before the appellate authority. As the notification under Section 10(1) of the Act has not been published and in pursuance of the said notification, any person claiming right, title or interest in the said land is entitled to file objections and the competent authority shall determine the nature and extent of such claims and pass appropriate orders under Section 10(2) of the Act.

In view of the aforesaid remedies available to the petitioner, the writ petition is accordingly dismissed with liberty to the petitioner either to file an appeal under Section 33 of the Act against the orders passed under Section 8(4) of the Act or file objections pursuant to the notification published under Section 10(1) of the Act. No order as to costs.

(V.ESWARAIAH, J.)

7.3.2006

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